

Form 4

Joint Discovery and Case Management Plan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

_____, § CIVIL ACTION NO.
Plaintiff, § _____
§
§
vs. § JUDGE CHARLES ESKRIDGE
§
§
_____, §
Defendant. §

JOINT DISCOVERY AND CASE MANAGEMENT PLAN

- 1. Rule 26(f) meeting.** State where and when the parties met as required by Rule 26(f). Identify the counsel who attended for each party.
- 2. Jurisdiction.**
 - a. Basis.** Specify the basis of federal jurisdiction. Identify any disagreements about jurisdiction.
 - b. Diversity.** For jurisdiction based on diversity, identify any disagreement about the amount in controversy. If the case involves an unincorporated entity as a party (such as an LLC, LLP, or partnership), state the citizenship of every member. Any such party must also attach to this filing an affidavit or declaration establishing the citizenship of every member.
- 3. Case background.**
 - a. General description.** Briefly describe what this case is about. In addition, state the elements of each cause of action, defense, and counterclaim.
 - b. Related cases.** List all related cases pending in any other state or federal court. Identify the court

and case number. Describe how it relates to this case.

- c. **Narrowing factual issues.** Specify any agreements or stipulations that can be made about any relevant facts or any element in the cause(s) of action.
- d. **Narrowing legal issues.** State any legal issues that can be narrowed by agreement or by motion.
- e. **Class issues.** Describe any class-action or collective-action issues. Provide the proposed definition of the class. Identify the basis for any opposition.

4. Parties.

- a. **Unserved parties.** List any unserved parties. State a date certain by which such party will be served.
- b. **Additional parties.** List any anticipated additional parties. Identify the party seeking to add them, briefly explain why, and indicate a date by which to do so.
- c. **Interventions.** List and briefly explain any anticipated interventions.
- d. **Interested persons.** Certify that all parties have filed the Disclosure of Interested Persons as directed in the Order for Conference and Disclosure of Interested Persons.

5. Discovery.

- a. **Initial disclosures.** State whether each party has completed its Rule 26(a) initial disclosures. If not, specify the date by which each party will do so.
- b. **Topics.** Specify the topics upon which discovery is needed. State whether the parties considered conducting discovery in phases.

- c. **Completed.** Specify any discovery already underway or accomplished.
- d. **Limitations.** Describe any requested change to limitations set by the Federal Rules of Civil Procedure as to interrogatories, depositions, or other matters.
- e. **Preservation.** Describe any issues about preservation of discoverable information.
- f. **Disputes.** Specify any discovery disputes.

6. Orders.

- a. **Scheduling and docket control order.** State whether any party requests a change to the scheduling and docket control order entered in this case. Specify reasons for any extension believed necessary and clearly indicate any disagreements. Complete and attach a proposed scheduling and docket control order reflecting any extension sought.
- b. **Protective order.** State whether the parties will submit for entry a protective order. Describe any issues about confidentiality.
- c. **E-discovery order.** State whether the parties will submit for entry an order with respect to electronic discovery. Describe any issues about disclosure or discovery of electronically stored information.

7. Settlement. Discuss the possibility for prompt, agreed resolution of the case at the Rule 26(f) meeting. State whether the parties are amenable to early mediation or other settlement attempt.

8. Trial.

- a. **Magistrate Judge.** Indicate the parties' joint position on referral of this case for all purposes, including trial, to the Magistrate Judge assigned to this matter.

- b. **Jury demand.** Identify any party that has made a jury demand and whether it was timely.
- c. **Length of trial.** Specify the number of hours it will likely take to present the evidence at trial in this case.

9. **Pending motions.** List all pending motions. Specify any appropriate for argument at the initial pretrial conference.

10. **Other matters.** List any other matter that deserves attention at the initial pretrial conference.

Respectfully submitted,

Date [Plaintiff Signature Block]

Date [Defendant Signature Block]